

# Standing Committee on Self-Represented Litigants Minutes

July 9, 2015

1:00 p.m. to 4:30 p.m.

**In Attendance:** Judge Snowberger (Chair), Abby Brown, Ed Higgins, Judge Carter, Kayre Chatellier, Judge Ortley, Erin Farris, Jim Taflin, Lisa Meclenberg-Jackson, Pam Poon, August Swansen, and Kate Kuykendall.

All present announced themselves. Judge Snowberger opened the floor for public comment on non-agenda items; there were no comments.

**Lisa moved to approve the minutes from December 11, 2014. Jim seconded the motion. The minutes were approved.**

## **Equal Justice Conference**

Judge Carter gave a report on the Equal Justice Conference in Austin, May 2015. There was a great compilation of the materials covered at the conference provided; Judge Carter will compile that into a pdf and send it out. There were many workshops available, and could be categorized into three areas: Legal Services, Self-Represented Litigants, and Boutique (varied, more specialized topics). The big themes that came out overall were accountability & measurement, management, technology, and the court role in access to justice.

The LSC has seen funding dwindle dramatically over the last several years. The DOJ will help fund items with federal dollars, but they require measurement and accountability for federally funded programs.

Management of legal services organizations and programs is changing. Current leaders are moving on. There was a management focus on keeping institutional knowledge.

Technology overlaps a lot of other topics. There was a focus on the idea of virtual clinics and portals, particularly with regard to incubators. The idea of rural versus urban has been sort of collapsed, in that urban attorney/client interaction can be just as difficult urban/rural attorney/client interaction.

Courts are taking a proactive role in meeting unmet legal needs, and are beginning to commit significant funds to meeting these needs. An example is the re-design of courtrooms to reduce lines, direct traffic, and streamline processes in such a way that people get in and get the information and services they need quickly.

Judge Carter gave several specific examples of innovations relating to Self-Represented Litigants that were discussed at the conference. He offered several recommendations. One was that the Montana Supreme Court's website should be using responsive design, as should local court websites. Another was a way of training people who may want to run clinics to use technology. A third was developing a clear summary of what self-represented litigant issues mean to the courts, communities, and others in terms of costs. Finally, he recommended looking into ways courts can run schedules designed to focus certain days of the week on Self-Represented litigants.

The Committee discussed Judge Carter's recommendations.

### **Forms Sub-Committee**

Erin gave an update on the work of the forms sub-committee. The current work is focused on the dissolution with children form, and more specifically the guardianship form. These forms are almost ready to go. Gallatin County has volunteered to be a pilot county for the new forms. The mediation center and self-help center will be working with the forms and using them. MLSA is also working with the sub-committee to make the forms interactive. The next phase for this sub-committee is to move on to the next form.

Michele noted that at some point, there must be a better process for forms production. We have to move away from using only volunteer work. We also need to determine how the Committee will approve forms. Does the full committee want to take action on the forms, or is it happy having the forms sub-committee releasing the forms as approved?

Judge Ortleby spoke in favor of having the full committee endorse the work product. This will prevent dissatisfaction from resulting in blame falling on individuals.

Lisa also spoke in favor of a committee endorsement. This will require the committee to review the forms. Erin suggested developing a webinar presentation of how the forms work. The pilot users can present it to the committee for approval.

### **Education and Training Working Group**

Abby gave an update on the work done by this group. The most recent meeting served to jump-start the group, and identify some goals. The group has lost two members. A lot of the work this group is focusing on is for the education of clerks and judicial staff. The group would like to know whether it should add new members representing court staff.

Michele said we have three names for potential committee members; she is working to contact them.

Abby shared that the group is brainstorming ways of getting training materials out to different jurisdictions across the state. There are good materials available, but there is also no central repository for them. Lisa offered to begin an inventory of the materials currently available, while the group continues working on ways to distribute them. The group welcomes technology suggestions that might help facilitate this distribution. Pam suggested contacting Patty Fain.

Erin suggested looking into partnering with the law school, which uses Moodle as an online education platform. Pam asked who at the law school would be the person to talk to. Michele suggested talking with the chair of the law school partnerships committee, Jamie Iguchi.

### **Collaboration and Communication**

Lisa asked for additional support on both of her working groups. Kayre volunteered for one of them.

Lisa shared that the one goal is to make sure that there is a way for individuals to contact the Self-Represented Litigants Committee. There is now an email available, but Lisa is no longer

able to access anything sent to it. Michele will follow up with the Office of Court Administrator to remedy this.

The second charge for this group is to identify potential partners. The larger A2J outreach committee has put together a list.

Lisa has been thinking about the SRL Committee report that is slotted to be done in 2016. The first phase of the in-depth data-collection effort has been done, but the next phases are not underway yet. Michele said this is an important effort, and that we need to decide if we're going to do it or not. The first phase took so long that people are worried that it's no longer good and needs to be updated. We'll need to identify what information we are looking for, and to see what other people are working on.

### **Legislative and Rule Changes**

There are a number of areas this working group could be looking at. Lisa sent out a chart showing some of the work being done for SRLs, and changes resulting from the most recent legislative session. It also identifies action that needs to be taken as a result of these changes.

### **Self Help Resources and Tools**

August gave an update on the group's work. The most recent call focused on the guardianship forms that are in development.

August has finished compiling the group's survey results into a word document, which she sent out to the group. The survey was done last summer. JSM, paralegals from MLSA, some attorneys, some other general court help staff, and a few other people took the survey. There were 19 respondents. The survey asked how often SRLs asked about 41 different items, and what resources are available when they do ask. The report is broken into three categories: not enough materials, some materials with room for more, and many materials.

One of the top issues identified in the survey was grandparent rights. People also want information about guardianship of elderly parents, and of adults with disabilities.

The next working group meeting will be soon, but is not yet set.

### **Access to Justice Commission Report**

Michele shared that the last Commission meeting had light attendance. The biennial report has been submitted to the MT Supreme Court.

Planning for the statewide listening tour is underway.

The Law School Partnership Committee is working on options for an incubator in Montana. The Justice Foundation did not receive the hoped-for grant in support of this project.

### **New Business**

Michele mentioned that shortly after the Committee's formation, there was an in-person meeting focusing on visioning. Is the Committee interested in something similar, with a focus on identifying ways the Committee's strategic plan might need to be updated or changed? Kayre and August agreed this would be a good idea. Michele said it could be a half-day

meeting, and that Helena might be the best place to do it. The State Bar might let us use its facility again.

**Next Meeting Date**

The Committee tentatively set its next meeting for October 30, around 10:00 a.m., and will be in person in Helena.

**Meeting Adjourned:** 2:47 p.m.